



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



William and Judy Cooke  
PO Box 86  
Billerica, MA 01821-0086

January 14, 2005

RE: DES Wetlands File #2002-2081  
Pelham Tax Map 20, Lots 2-109 & 2-110

Dear Mr. and Mrs. Cooke:

On December 10, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property on Gumpas Pond in Pelham, NH. The purpose of this inspection was to determine compliance with the Letter of Deficiency #SP-2002-24 (the "LOD") issued by the Department on November 25, 2002.

As a result of this inspection, it was determined that the property has not been brought into compliance with the LOD. Additionally, deficiencies of RSA 482-A, the New Hampshire Wetlands Law were also documented. The following deficiencies were documented:

- The White Pine saplings that were planted along the west property line have been planted too closely to mature into a healthy stand of trees. It was observed that the tops of the saplings had been cut. These saplings have not been planted or maintained in a manner that will adequately replace, to the satisfaction of DES, the large trees that were cut on the property.
- The approved restoration plan proposed 4 Paper Birch saplings along the shoreline of Gumpas Pond. DES personnel could not locate these saplings. This area was already vegetated with saplings, and appeared unchanged from how it looked in 2002 during the initial inspection by DES. It was also observed that some of these saplings had been "cut back".
- A sand beach measuring approximately 18' x 30' has been created within the bank and below the reference line of Gumpas Pond without permits from DES.
- Erosion controls had been erected, but there were disturbed soils down gradient of the erosion controls, and the silt fence was down in some areas.

DES requests that you respond to this letter in writing, explaining how compliance will be achieved with the deficiencies listed above, within 14 days of receipt of this letter. Your response should be addressed as follows:

NH Department of Environmental Services  
Water Division  
Wetlands Bureau  
PO Box 95, 29 Hazen Drive  
Concord, NH 03302-0095

Attn. MaryAnn Tilton

Issuance of this letter shall not preclude further enforcement by the Department.

DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

If you have any questions, please contact me at (603) 271-4061.

Sincerely,

**COPY**

Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL# 7004 1160 0005 9765 1008

cc: Collis G. Adams, CWS, Wetlands Bureau Administrator  
Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Pelham Conservation Commission  
Pelham Board of Selectmen